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LETTER DATED 27 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

You are fully aware of the utmost importance which my country accords to the subject of the demarcation of the boundary between Iraq and Kuwait, because it touches on Iraq's basic interests. At our meeting with you on 26 August 1992, we expressed to you our wish to state our views on the subject before the Council when it held its formal meeting on the subject of the resolution on the Boundary Demarcation Commission. However, the Council decided, in informal consultations behind closed doors, not to open the door to discussion and to restrict the right to speak to Council members only, without affording Iraq the opportunity to express its views. This gives rise to very real questions concerning the objectivity of the Council and the good will of those who invite Iraq to participate in the work of the Commission for the purpose of expressing its view and then deprive it of the opportunity of expressing its view for the record at a formal meeting.

I should be grateful if you would have this letter and its annex containing the statement of Iraq that it intended to deliver at the 3108th formal meeting of the Council on 26 August 1992 as an official document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

Statement by Dr. Abdul Amir Al-Anbari, Permanent Representative of the Republic of Iraq to the United Nations, before the Security Council at its meeting held on 26 August 1992

The draft resolution before you is based on resolution 687 (1991), which Iraq accepted by the letter dated 6 April 1991 from the Minister for Foreign Affairs of Iraq, issued as document S/22456 (1991).

The above-mentioned letter contains the following:

> "While in its preamble the resolution reaffirms that Iraq is an independent sovereign State, the fact remains that a good number of its iniquitous provisions impair that sovereignty. In fact, the resolution constitutes an unprecedented assault on the sovereignty, and the rights that stem therefrom, embodied in the Charter and in international law and practice. For example, where the question of boundaries is concerned, the Security Council has determined in advance the boundary between Iraq and Kuwait. And yet it is well known, from the juridical and practical standpoint, that in international relations boundary issues must be the subject of an agreement between States, since this is the only basis capable of guaranteeing the stability of frontiers."

The above-mentioned letter also pointed out that by acting in this strange manner, the Council itself had violated one of the provisions of resolutions 660 (1990), which served as the basis for its subsequent resolutions. In its paragraph 3, resolution 660 (1990) calls upon Iraq and Kuwait to resolve their differences through negotiation, and the question of the boundary is well known to be one of the main differences. Iraq officially informed the Council that it accepted resolution 660 (1990) and was prepared to implement it, but the Council disregarded this legal position, contradicting its previous resolutions, and adopted an iniquitous resolution which imposes new conditions on Iraq and imposed on Iraq, an independent and sovereign State and a Member of the United Nations, a "boundary" situation and deprived it of its right to establish its territorial rights in accordance with the principles of international law. Thus the Council is also depriving Iraq of its right to exercise its free choice and to affirm that it accepts that boundary without reservation. Where the question of the boundary is concerned, the Council resolution is an iniquitous resolution which constitutes a dangerous precedent, a first in the annals of the international Organization and - as some impartial members of the Council indicated in their statements when the resolution was voted on - an assault on the sovereignty of States.

It is also to be noted that the United States of America, the author of the draft resolution on which resolution 687 (1991), which imposes a solution to the boundary-related and other differences between Iraq and Kuwait, was

based, refuses to impose any solution whatsoever on its ally, Israel, in accordance with agreements and resolutions approved by the United Nations and under international law.

My country's position on the decisions of the Commission appointed by the Secretary-General on the boundary question was set forth in detail in the letter dated 31 May 1992 from the Minister for Foreign Affairs of Iraq (S/24044). This letter reviewed the historical and geographical facts and the working methods of the Commission and concluded that the decisions adopted by the Commission during its New York session from 8 to 16 April 1992 represent a purely political decision imposed by the Powers dominating the Security Council and the United Nations at present, particularly the Governments of the United States and the United Kingdom.

The political objective of this decision is not only to deny Iraq its historical and geographical rights and to undermine its vital interests but also deliberately to create an illegal and illogical situation which arouses the indignation and threatens the vital interests of an ancient people whose predicament has been imposed upon it by armed force and political blackmail and to create a climate of dissatisfaction, dissent and instability in every region. It is this kind of climate that the authors of that decision (the United States and the United Kingdom) want to preserve in the region as a whole, in order to justify the continued presence of their military bases and armed forces in a state of perpetual occupation, in order that they may continue practising their extortion on the Kuwaiti regime and the other regimes in the region and pillaging the oil wealth of the area.

Any ratification by the Security Council of this unjust decision, which has been deliberately directed by two of its permanent members, would constitute a very dangerous precedent, contrary in substance and consequences to the duties and responsibilities entrusted to the Security Council by the Charter. Should the Council ratify it, it would not have contributed to the strengthening of security and stability in the region but would rather have deliberately created a permanent hotbed of tension there, as well as deliberately damaging the legitimate and vital interests of a State Member of the United Nations. If there were cogent reasons that forced the Iraqi authorities to take certain positions regarding this decision, the people of Iraq could never be convinced that its historical rights had been respected and its interests safeguarded by the Security Council, as prescribed by the norms of international law and the standards of justice and fairness. Moreover, the Arab nation will continue to view this decision as one more link in the chain of the Western imperialist games which began during and after the First World War and which have always been an object of indignation and rejection for the Arab nation and the cause of many of the changes and disturbances that have occurred in the Arab world as a whole. World history has witnessed situations similar to today's, and the world knows the consequences that ensue from such instances.

I wish to add that paragraph 3 of the draft resolution before you amends the mandate of the Boundary Demarcation Commission by adding the demarcation

of the offshore boundary to it. That was not mentioned in the Minutes of the 1932 talks.

The Security Council, having become enmeshed in the issue of the Iraq-Kuwait boundary and resolution 687 (1991), finds itself in one predicament after another. Under the draft resolution before you, the Security Council would remain concerned with every incident, large or small, occurring customarily at all international frontiers, whatever their legal status.

The actions of the Security Council and the fact that it is placing itself above international law, above the Charter and above its own resolutions, must inevitably encourage States members of the Council and States Members of the United Nations to violate Council resolutions and the provisions of the Charter. The best proof of that is the announcement by the United States of America and its allies today of their intention to attack any civilian or military Iraqi aircraft flying in Iraqi airspace south of the thirty-second parallel. By this threat, they are violating the provisions of resolution 688 (1991), which affirms the Security Council's commitment to the sovereignty, territorial integrity and political independence of Iraq and are also thereby violating in blatant fashion Article 2, paragraph 7, of the United Nations Charter, which provides, and I quote:

> "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter."

The above paragraph makes one exception to the principle of non-intervention in the internal affairs of States and provides:

> "... but this principle shall not prejudice the application of enforcement measures under Chapter VII."

Resolution 688 (1991), as you are aware, was not adopted under Chapter VII, which makes the threat of the United States and its allies against Iraq a threat to international peace and security and flouts the principle of international legitimacy and the Charter of the United Nations.

The United States threats, if carried out, will make a mockery of the role of the team of United Nations observers stationed on either side of the Iraq-Kuwait border. Under resolution 689 (1991), adopted on 9 April 1991, flight over the demilitarized zone is not permitted and, consequently, the United States threats constitute a flagrant violation of the cease-fire resolution which renders the resolution before you, and particularly paragraph 4 thereof, devoid of contents.

Iraq, as it faces the unjust resolutions adopted by your esteemed Council and the threats launched by the United States of America against Iraq's sovereignty and the security of its citizens is more concerned than anyone to avoid artificial crises and to find peaceful solutions to the real crisis.

Accordingly, in face of the succession of military threats from the United States and its allies and the blatant intervention in the internal affairs of Iraq, Iraq today presents to the Governments of the United States of America, the United Kingdom and France a serious peace initiative, whereby it calls for the establishment of a committee of wise men to visit Iraq in order to learn the true situation in an objective manner on the basis of the facts and to report to the States concerned in the light of the norms of international law and the Charter of the United Nations.

Iraq hopes that the Governments concerned will study this initiative seriously and with good will. It is confident that the proposed committee's report will confirm what Iraq has declared, namely, that there is no basis to the allegations that Iraq is using warplanes and military equipment against the population in the marshes and the southern areas. The facts learned by such a committee will also reveal the aggressive nature of the grave threats launched by the United States and its allies against Iraq. They will also reveal the spuriousness of the claim that they are concerned to guarantee the safety and security of the boundary in the region at the same time as they are committing a breach of the inviolability and security of this boundary.

Thank you.